

Appln. of: Schneider
Serial No.: 10/768,191
Filed: February 2, 2004

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 1-20 are pending in this application.

Each of the claims has been amended to remove reference numerals and to place the claims in better US style. None of these amendments are intended to narrow the scope of the claims.

Claim 2 stands rejected under 35 USC 112. Claim 2 has been amended to provide a proper antecedent basis for the longitudinal axis.

Claims 1-20 stand rejected under 35 USC 103(a) as being unpatentable over Schwartz in view of Stager.

Applicant respectfully traverses this rejection.

Claim 1 is directed to a sports brace for use with a sport performed using the arm and/or hand of the user. The sports brace is securable to the arm/wrist of the user by a closure. The sports brace includes a plurality of distributed weights, with each weight comprising a housing and a plurality of freely movable solid particles located in the housing. Claim 1 has been amended to clarify the solid particles located in each housing being movable within the respective housing to counteract an impacting force on the hand/arm.

For instance, such a sports brace could be used by a person playing tennis, squash, badminton or table tennis to limit the swiveling motion of the hand with respect to the forearm when hitting the ball, shuttle, etc. Limiting the swiveling motion helps provide more accurate guidance of the hand/racket/ball etc. In the claimed invention, there are freely movable solid particles located in the housings of the weights. The solid particles, which make up the

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significant portion of the mass of each weight, move with in the housing in reaction to movements and forces applied to the hand/arm of the user, and thus can and do counteract an impacting force on the hand/arm, such as the impact of a ball with a racquet held in the hand.

Neither Schwartz nor Stager, alone or in combination, disclose or suggest such a sports brace.

Schwartz merely discloses a weighted glove/sleeve for use in handweight type exercise. The weights 34 are all solid and attached firmly to the glove/sleeve so as not to move with respect to the glove/sleeve, as required by claim 1.

Stager fails to cure the deficiencies of Schwartz. Stager is directed to a wrist pad for supporting the wrist of a user when at a computer keyboard. There is no disclosure or suggestion the Stager device be used as a sports brace or used to counteract impacting forces on the hand/arm. Rather, it serves merely as a cushion or pillow on which to generally statically rest an arm when typing at a computer keyboard. The amount of filler material in the Stager device can be adjusted, but merely to alter the height of the hand/wrist. There is absolutely no disclosure or suggestion that the filler be movable within a respective housing to counteract an impacting force on the hand/arm.

Therefore, neither Schwartz nor Stager, alone or in combination, disclose or suggest the invention of claim 1 and it is respectfully requested that the rejection of claim 1 be withdrawn.

Since the remaining claims all depend from claim 1, they are allowable for the same reasons as claim 1, as well as for the further limitations contained therein, and it is respectfully requested that the rejections of such claims be withdrawn as well.

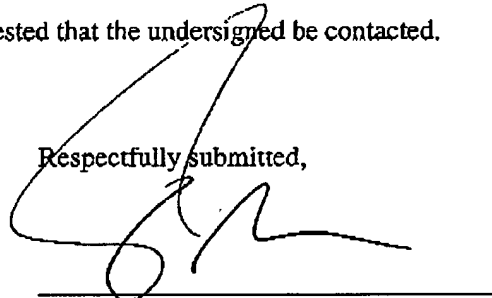
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A revised Fig. 2 is submitted herewith, adding longitudinal axis 12 of brace 3. No new matter has been added, as a person of ordinary skill in the art would have recognized the placement of the longitudinal axis by the description of the brace. Upon allowance, a formal version of Fig. 2 will be submitted.

The priority document for the present application was filed on August 30, 2004.
Submitted herewith are copies of a Transmittal letter, Filing Completion and stamped receipt of August 30, 2004 proving the filing of the certified priority document. It is respectfully requested that receipt of the priority document be acknowledged with the next communication from the PTO.

In view of the above, it is believed that the application is in condition for allowance and such a Notice is respectfully requested. If anything else is needed to place the application in condition for allowance, it is kindly requested that the undersigned be contacted.

Respectfully submitted,



Timothy J. Klima
Reg. No.: 34,852

Harbin King & Klima
500 Ninth Street SE
Washington, DC 20003
Ph: 202-543-6404
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PTO Receipt For:		Att Dkt	2573-0414	Date	August 30, 2004
In re Pat App of		SCHNEIDER, Michael			
App No	10/768,191			Group Art Unit	
Date Filed	February 2, 2004			Examiner	
Title	Sports Brace				
<input checked="" type="checkbox"/>	General Transmittal Sheet			<input checked="" type="checkbox"/>	Completion Transmittal
<input checked="" type="checkbox"/>	Amendment/Response/Letter			<input checked="" type="checkbox"/>	Change of Address
<input checked="" type="checkbox"/>	Declaration, # of pages 1			<input checked="" type="checkbox"/>	Power of Attorney
<input type="checkbox"/>	Assignment	<input type="checkbox"/>	Recordation Cover	<input checked="" type="checkbox"/>	Priority Doc(s) 1
<input type="checkbox"/>	IDS Letter	<input type="checkbox"/>	PTO 1449	<input type="checkbox"/>	Cited Doc(s)
<input checked="" type="checkbox"/>	5790 Check No.			<input type="checkbox"/>	Foreign SR/OA
<input type="checkbox"/>	Other: Translation (6 pages & Abstract), Translation Verification, NTFMP				

←

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 09 2005

In re PATENT APPLICATION OF:

SCHNEIDER, Michael

Atty. Dkt. No.: 2573-0414

Appln. No.: 10//768,191

Art Unit: N/A

Filing Date: February 2, 2004

Examiner: N/A

Title: SPORT BRACE

Date: August 30, 2004

TRANSMITTAL

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

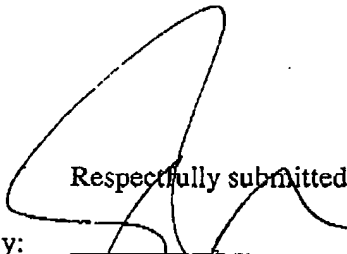
Sir:

Attached please find the following documents, submitted for filing in connection with the above-identified application:

-
- ☒ Completion Transmittal Sheet & Copy of Notice to File Missing Parts
 - ☒ Copy of Declaration; Copy of Power of Attorney and Revocation of Prior Powers
 - ☒ Priority Document
 - ☒ English Translation of Spec: 6 pages & 1 abstract and translation certification
 - ☒ Preliminary Amendment
 - ☒ Check

Respectfully submitted,

By:


Timothy J. Klima Reg. No.: 34,852

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **CENTRAL FAX CENTER**
FILING COMPLETION UNDER RULE 53(f)
For Design, Provisional, or Utility Applications
(NOT PCT Applications)

AUG 09 2005

In re PATENT APPLICATION of:

Attn: Application Division

Inventor(s): SCHNEIDER, Michael
Appln. No.: 10/768,191
Filed: February 2, 2004
Title: SPORTS BRACE

Atty. Dkt. No.: 2573-0414
Group Art Unit: N/A
Date: August 30, 2004

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following completes the filing under Rule 53(f) of the above-identified patent application.

1. Notice to File Missing Parts ☒ copy attached ☐ not yet received
2. ☒ Signed Declaration attached. ☐ Original ☒ Facsimile/Copy
- (Always "X" box 2 if filing signed Declaration and
"X" box 2A only if top box of the Declaration is X'd and file application copy, or
"X" box 2B if none of the top three boxes of the Declaration is X'd.)
- 2A. ☐ Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.
- 2B. ☐ The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.
3. ☒ Specification originally filed in non-English language; hence verified translation attached of:
- a. ☒ Abstract
- b. # 6 pages of Specification (only spec. & claims)
- c. ☐ Drawing(s) _____ Number of Sheets
- ☐ Fig(s). 1- _____
4. ☐ Letter filing formal drawing(s) attached.
5. ☐ Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.
6. DOMESTIC/INTERNATIONAL priority is claimed under 35 U.S.C. 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT International application(s):

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	

7. FOREIGN priority is claimed under 35 U.S.C. 119(a)-(d)/365(b) based on filing in Germany

8.

Application No.	Filing Date	Application No.	Filing Date
(1) DE 203 01 530.4	February 1, 2003	(2)	

- 9. 1 (No.) Certified copy/copies: ☒ attached
☐ previously filed on (date) _____ in U.S. Application No. _____ filed on _____
10. Small Entity Status: ☒ is **NOT** claimed ☐ is claimed
11. ☒ Attached: Power of Attorney and Revocation of Prior Powers
12. ☐ Attached: ☐ IDS ☐ PTO-1449 ☐ Cited Documents
13. ☒ Preliminary Amendment Attached

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY CANCELLED
PREVIOUSLY/HEREWITH**

Basis For Fee				Large Entity/Small Entity	Amount
14. Basic Filing Fee.....Utility Application				\$770/\$385	385.00
Design Application				\$340/\$170	
15. Total Effective Claims	20	Minus 20 =	0	X \$18/\$9	+0
16. Independent Claims	1	Minus 3 =	0	X \$86/\$43	+0
17. If <u>any proper</u> multiple dependent claim (ignore number) is present, (Leave this line blank if this is an <u>reissue</u> application)				\$290/\$145	+0
18. Surcharge for filing Declaration/filing fee late				\$130/\$65	+65.00
19.				Filing Fee Enclosed =	\$450.00
20. <u>Original due date:</u> June 30, 2004					
21. Petition is hereby made to extend the <u>original</u> due date to (1 mo)				\$110/\$55 =	+210.00
cover the date this response is filed for which the requisite fee (2 mos)				\$420/\$210 =	
is attached (3 mos)				\$950/\$475 =	
(4 mos)				\$1480/\$740 =	
22. If "non-English" box 3 is X'd, add Rule 17(k) processing fee.....				\$130	+0
23. If "assignment" box is X'd, add recording fee.....				\$40	+0
24. English Translation Surcharge				\$130	+130.00
25.				Total Fee Enclosed:	\$790.00

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached.

This **CHARGE STATEMENT** does not authorize charge of the issue fee until/unless and issue fee transmittal form is filed.

Respectfully submitted,

By:

Timothy J. Klima Reg. No.: 34,852

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

I hereby certify that this Filing Completion is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450 on August 30, 2004.

Timothy J. Klima

BUNDESREPUBLIK DEUTSCHLAND**Prioritätsbescheinigung über die Einreichung
einer Gebrauchsmusteranmeldung**

Aktenzeichen: 203 01 530.4

Anmeldetag: 1. Februar 2003

Anmelder/Inhaber: SING WO SPORTS LTD., Hongkong/HK

Bezeichnung: Sport-Bandage

IPC: A 63 B 71/14

Die angehefteten Stücke sind eine richtige und genaue Wiedergabe der ursprünglichen Unterlagen dieser Gebrauchsmusteranmeldung.

München, den 4. Februar 2004
Deutsches Patent- und Markenamt
Der Präsident
Im Auftrag